

# EXHIBIT 4

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE CENTRAL DISTRICT OF UTAH  
3

4 OL PRIVATE COUNSEL, ) Deposition of OL PRIVATE  
5 LLC, a Utah limited ) COUNSEL, LLC through:  
6 liability company, )  
7 ) Thomas Olson  
8 Plaintiff, )  
9 ) Case No.  
vs. ) 2:21-CV-00455-DBB  
10 )  
11 EPHRAIM OLSON, an ) Judge: David Barlow  
12 individual, )  
13 ) Magistrate Judge:  
14 Defendant. ) Daphne A. Oberg  
15  
16

17 REMOTE PROCEEDING VIA ZOOM  
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21  
22  
23  
24 Reporter: Diana Kent, RPR, CRR  
25 Notary Public in and for the State of Utah

<p>1 APPEARANCES      2 FOR THE PLAINTIFF:      3 David J. Jordan      4 David Mortensen      5 FOLEY &amp; LARDNER, LLP      Attorney at Law      6 95 South State Street      Suite 2500      Salt Lake City, Utah 84111      Tel: (801) 401-8900      7 djordan@foley.com      dmortensen@foley.com</p> <p>8 FOR THE DEFENDANT:      9 Sarah C. Vaughn      10 FABIAN VANCOTT      Attorney at Law      11 95 South State Street      Suite 2300      Salt Lake City, Utah 84111      Tel: (801) 531-8900      13 svaughn@fabianvancott.com</p> <p>14      15      16      17      18      19      20      21      22      23      24      25</p>	<p>1 PROCEEDINGS      2      3 Thomas Olson,      4 called as a witness, being first duly sworn,      5 was examined and testified as follows:      6      7 EXAMINATION      8 BY MS. VAUGHN:      9 Q. Mr. Olson, I am Sarah Vaughn and I      10 represent your son, Ephraim Olson, in this litigation.      11 Tell me what you did to prepare -- let me back up. You      12 understand you are here today to testify on behalf of      13 OLPC, correct?      14 A. Yes.      15 Q. What did you do to prepare to testify on      16 behalf of OLPC today?      17 A. I spoke with Joshua Olson, Hyrum Olson,      18 Narong, Crucial Logics; I met with David Jordan and      19 Dave Mortensen; I reviewed the judge's order; and      20 reviewed Exhibit 1 and reviewed parts of my previous      21 transcript.      22 Q. When did you speak with Joshua?      23 A. I have spoken with him several times, as      24 late as yesterday, but several times over the last few      25 weeks.</p>
<p>Page 2</p>	<p>Page 4</p>

<p>1 INDEX      2 THOMAS OLSON PAGE      3 Examination By Ms. Vaughn 4</p> <p>4      5 EXHIBITS      6 NUMBER DESCRIPTION PAGE      7 Exhibit 10 February 27, 2019 e-mail thread 33      re: SAL Audit Email, with      attachments      8      9 Exhibit 11 Plaintiff OL Private Counsel, 35      LLC's Second Supplemental      10 Response to Defendant's First and      Second Set of Discovery Requests      11      12 Exhibit 59 Information from Tim 7      Akarapanich's mobile phone,      produced by IDC forensic experts      13      14 Exhibit 60 Logs regarding Tim Akarapanich's 10      e-mail, produced by IDC forensic      experts      15      16      17      18      19      20      21      22      23      24      25</p>	<p>1 Q. Several times in anticipation of this      2 deposition, or several times in general?      3 A. Several times in anticipation of this      4 deposition.      5 Q. Okay. And what about Hyrum?      6 A. The same. I spoke with him several times      7 in connection with preparing for this deposition.      8 Q. And remind me, what is Narong's position?      9 Who does he work for?      10 A. He is -- Narong works for ITCL.      11 Q. And what is his position there?      12 A. He works with IT.      13 Q. Okay. When did you speak to Narong?      14 A. Multiple times, but as recently as, I      15 believe, three days ago.      16 Q. You also said you spoke to Crucial Logics.      17 Is it "Crucial Logistics" or "Crucial Logics"?     18 A. Crucial Logics.      19 Q. Okay. And when did you speak to them?      20 A. On several occasions.      21 Q. As recently as when?      22 A. A couple of days ago.      23 Q. And who did you speak with there? What      24 was their name?      25 A. Amol Joshi.</p>
<p>Page 3</p>	<p>Page 5</p>

1 me know if I'm going too fast. It's talking about  
2 standard access lists to the server. And then we  
3 have -- let me see if I can rotate it. There we go.  
4 It's my recollection from the prior deposition that  
5 Volta is a company that houses the server; is that  
6 correct?

7 A. Yes.

8 Q. Okay. And this document was a security  
9 access list from the year 2018, with Ephraim Olson  
10 having at least three levels of access. Do you see  
11 that? It's right here. Ephraim's access.

12 A. When you say "authority" -- sorry. He  
13 clearly was listed as a list owner, portal user, and  
14 fast track user.

15 Q. Yeah. And my only question goes to, in  
16 your last deposition I asked you if this document had  
17 ever been updated and you didn't know. Do you know  
18 today if this security access list has ever been  
19 updated to remove Ephraim's access?

20 MR. JORDAN: Beyond the scope.

21 You can answer.

22 A. Yes, it has been updated.

23 Q. Do you know when it was updated?

24 A. It's updated periodically, so it's been  
25 updated several times.

Page 34

1 Q. And the category, where does that  
2 information come from?

3 A. It came from knowledge of the role of the  
4 people, plus it was the position to which we hired  
5 people.

6 Q. Okay. The start date, where did that come  
7 from?

8 A. From the payroll records. Primarily from  
9 payroll records. Primarily it comes from the payroll  
10 records.

11 Q. Okay. So for Ephraim it just says, "Prior  
12 to January 1, 2018." Do you know why it's not more  
13 specific there?

14 MR. JORDAN: Objection. Calls for legal  
15 conclusion.

16 Counsel, you know that's the start date  
17 that the Court provided in its order.

18 MS. VAUGHN: Oh, no, I didn't have that on  
19 top of my mind. I'll trust you, though, on that one,  
20 David.

21 Q. (By Ms. Vaughn) Okay. The end date, the  
22 next column over, where does that come from?

23 A. A combination of payroll records and  
24 Hyrum's and Joshua's best recollection of when the  
25 access was terminated.

Page 36

1 Q. Okay. We will look at Exhibit 11 to your  
2 first deposition.

3 Okay. These are OLPC's Responses to  
4 Written Discovery. And what we care about, what I care  
5 about today is this document at the end.

6 Do you recognize this document, Mr. Olson?

7 A. Yes.

8 Q. Do you know who helped prepare this  
9 document?

10 A. Yes.

11 Q. Who was it?

12 A. This was Jaturong Chuithong and Joshua  
13 Olson, with input from others.

14 Q. And do you know the source material from  
15 the information in this document?

16 A. Yes.

17 Q. Let's go down to what I really care about  
18 here. Here we have "Ephraim Olson." Do you see  
19 "Ephraim" right here, Mr. Olson? This line?

20 A. Yes.

21 Q. Okay. And then we can look back up at  
22 columns. So the column for entity, where does the  
23 information for that entity data come from?

24 A. That came from just knowledge of who had  
25 engaged the person, and from payroll records.

Page 35

1 Q. Okay. So for Ephraim it states September  
2 1, 2019. Where does that information come from?

3 A. From payroll records and from Hyrum and  
4 Joshua's best recollection of when the access was  
5 terminated on Ephraim's account.

6 Q. Okay. Are there no other records besides  
7 Hyrum's and Joshua's memory as to when an individual's  
8 access to the server is cut off?

9 MR. JORDAN: Objection. Mischaracterizes  
10 the witness's testimony.

11 A. Generally it is related to the date of  
12 termination of employment.

13 Q. Okay.

14 A. But, for example, if I get terminated from  
15 Fabian, just by virtue of my termination it's not going  
16 to end my access to various, you know, electronic  
17 things. IT has to go in and do that. So that's what  
18 I'm referencing. Just because you stop paying them  
19 doesn't mean their access to various servers is cut  
20 off, correct?

21 MR. JORDAN: Objection. Incomplete  
22 hypothetical. Calls for speculation.

23 A. The mere fact that -- the answer is no.  
24 Sorry. Repeat the question.

25 Q. Okay.

Page 37

10 (Pages 34 - 37)

1 A. If you're asking me if the mere fact of  
2 not sending a paycheck is sufficient to cut off access,  
3 the answer is no, that's not sufficient.

4 Q. Okay.  
5 A. By itself.

6 Q. What is the process to cut off an  
7 employee's access to OLPC's server?

8 A. Someone in the IT department will, upon  
9 termination, will go in and cut off access.

10 Q. Okay.

11 A. That's the process.

12 Q. Okay. And now you're telling me that the  
13 information in this column, in this document, comes  
14 from payroll records and Joshua's and Hyrum's best  
15 memory; is that correct?

16 A. Well, as I said, primarily it's off  
17 payroll records.

18 Q. Okay.

19 A. And for Ephraim, I believe the payroll  
20 actually goes a bit beyond September 1st, but he was no  
21 longer providing services after September 1st and the  
22 decision was taken to remove his access at that time.

23 Q. Okay. And other than Hyrum's and Joshua's  
24 memory, are there any documents that establish that  
25 Ephraim's access was terminated on September 1, 2019?

Page 38

1 server?

2 A. Narong believes that he -- Narong does not  
3 have an explicit recollection of it, but he believes  
4 that he did it, but does not have a specific  
5 recollection.

6 Q. Okay. So in other words, there are no  
7 documents to back up this May 15, 2020 date terminating  
8 Tim A's access to the server?

9 A. OLPC is not aware of any documents that  
10 would confirm that Tim's access was cut off. That's  
11 correct.

12 Q. In your last deposition, when I asked you  
13 the source material for the columns in this document  
14 that we're looking at, you said it came "off the  
15 computer record." Now, today, do you know what those  
16 computer records were, or do you think you misspoke in  
17 your prior deposition?

18 A. No. The computer records are our payroll  
19 records. They are computerized.

20 Q. Okay.

21 A. As I said, there was also personal  
22 knowledge in the case of Ephraim. They reviewed the  
23 payroll records and if there was anything different  
24 than the actual payroll final day, as I explained  
25 before.

Page 40

1 A. OLPC is not aware of any documents that  
2 would document his access change or remove his access  
3 on September 1.

4 Q. Same for Tim A. He is just a few lines  
5 down. It says his access ended May 15, 2020. Do you  
6 see that?

7 A. Yes.

8 Q. Okay. Is that also a best guess based off  
9 of payroll records and Hyrum's and Joshua's memory?

10 MR. JORDAN: Objection. Mischaracterizes  
11 the document. Mischaracterizes the -- argumentative by  
12 counsel.

13 A. Tim was terminated or Tim resigned on the  
14 14th, and his access was removed on the 14th. But  
15 that's North American time. Sorry. His access was  
16 removed late on the 14th. So on the 15th his access  
17 was gone. He no longer had access on the 15th.

18 Q. Okay. And what is that statement based  
19 off of? What information supports that statement?

20 A. That was based on the practice of going in  
21 to remove people's access when they finish on their  
22 final day of working for the firm, and discussions with  
23 Narong and Joshua.

24 Q. Okay. Do either Narong or Joshua have an  
25 explicit memory of removing Tim A's access to the

1 Q. Okay. So the computer records are just  
2 the payroll records, correct?

3 A. Yes.

4 Q. Okay. And on the last column it says  
5 everyone has "access to client files on matters for  
6 which the individual was performing services." Do you  
7 see that?

8 A. Yes.

9 Q. What is the source material for that  
10 statement?

11 A. The source material is that management  
12 limited access to remote servers based on what the  
13 person was doing and their need to access files.

14 Q. So this document that we're looking at, is  
15 this only access to the remote server, or is it also  
16 access to the exchange server and the controller  
17 domain?

18 A. This is -- well, everyone has access to  
19 their own e-mail account. In some cases, someone else  
20 is granted access to someone's e-mail account. But  
21 everybody has access to their own e-mail account. The  
22 remote server contains client files, and access to the  
23 client files is dependent on the nature of the work  
24 being done by the person, by the staff member.

25 Q. So this document that we are looking at,

Page 41

11 (Pages 38 - 41)

1 Q. Okay. Where did you deliver it to Tim?  
2 A. In the boardroom of ITCL.  
3 Q. I'd like to just take a quick break, and  
4 then I think we might be done.  
5 (Break taken from 4:24 to 4:27 p.m.)  
6 Q. Just a few quick questions. Looking again  
7 at Exhibit 59, you said this data comes from Tim's  
8 mobile phone. When did OLPC obtain a copy of this  
9 document?  
10 A. I believe on Monday. I believe it was on  
11 Monday this week.  
12 Q. Okay. He did produce it to us on Monday.  
13 I'm wondering when OLPC got it. Do you know that,  
14 Mr. Olson?  
15 A. OLPC didn't get -- OLPC did not get this  
16 independent to counsel, and I believe that counsel -- I  
17 think it was Monday that OLPC saw this document. It  
18 might have been Friday last, but I believe it was  
19 Monday last, I believe. Very recently, though. In the  
20 last few days.  
21 Q. Okay. And is this all the data from Tim  
22 A's phone or is it a specific subset of data; do you  
23 know?  
24 A. Can you scroll down for me, please?  
25 Well, the answer is OLPC doesn't know what

Page 46

1 REPORTER'S CERTIFICATE  
2 STATE OF UTAH )  
3 ) ss.  
4 COUNTY OF SALT LAKE )  
5 I, Diana Kent, Registered Professional  
Reporter and Notary Public in and for the State of  
Utah, do hereby certify:  
6 That prior to being examined, the witness,  
Thomas Olson for OL Private Counsel, LLC, was by me  
duly sworn to tell the truth, the whole truth, and  
nothing but the truth;  
7 That said deposition was taken down by me  
in stenotype on March 27, 2024, at the place therein  
named, and was thereafter transcribed and that a true  
and correct transcription of said testimony is set  
forth in the preceding pages;  
8 I further certify that, in accordance with  
Rule 30(e), a request having been made to review the  
transcript, a reading copy was sent to David J. Jordan  
for the witness to read and sign, and the original  
transcript will be prepared for delivery to the court.  
9 I further certify that I am not kin or  
otherwise associated with any of the parties to said  
cause of action and that I am not interested in the  
outcome thereof.  
10 WITNESS MY HAND AND OFFICIAL SEAL this  
28th day of March, 2024.  
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Page 48

1 this is, actually. All the stuff in it, I don't know  
2 that.  
3 Q. Okay. And then the same with Exhibit 60;  
4 do you know when OLPC obtained a copy of this document?  
5 A. It's the same. OLPC did not receive a  
6 copy of this. It went to counsel. I think OLPC saw  
7 this document within the last few days. Very recently.  
8 Q. Okay. Those are all the questions I have.  
9 Thank you very much, Mr. Olson.  
10 MR. JORDAN: I have no questions at this  
time.  
11 We will read and sign.  
12 (The deposition concluded at 4:30 p.m.)

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Page 47

1 David J. Jordan  
2 djordan@foley.com  
3 April 1st, 2024  
4 RE:OL Private Counsel, LLC v. Olson, Ephraim  
5 3/27/2024, Thomas Olson (#6596270)  
6 The above-referenced transcript is available for  
7 review.  
8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.  
12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 (Calendar-utah@veritext.com).  
16 Return completed errata within 28 days from  
17 receipt of testimony.  
18 If the witness fails to do so within the time  
19 allotted, the transcript may be used as if signed.  
20  
21  
22 Yours,  
23 Veritext Legal Solutions  
24  
25

Page 49

13 (Pages 46 - 49)